

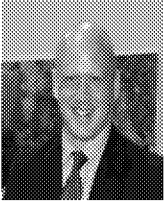
Florida State Profile

October 2019



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Florida Environmental Leadership



Florida Department of Environmental Protection
Noah Valenstein, Secretary

Secretary Noah Valenstein oversees the Florida Department of Environmental Protection and was appointed Secretary by Governor Rick Scott on May 23, 2017. He returned to DEP with nearly 15 years of public service experience with governmental agencies and a passion for natural resource protection. Secretary Valenstein most recently served as Executive Director for the Suwannee River Water Management District, where he oversaw the protection and conservation of water and land resources across 15 counties. His previous experience includes working on environmental, agricultural and energy issues in the Executive Office of the Governor and Florida House of Representatives, as well as with several of Florida's leading environmental non-profit groups. Secretary Valenstein was born in Gainesville, Florida and graduated with honors from the University of Florida's School of Natural Resources and Environment. He also holds a law degree from Florida State University. Secretary Valenstein resides in Tallahassee with his wife, Jennifer and daughter, Ava.



Florida Department of Environmental Protection
John Truitt, Deputy Secretary for Regulatory Programs

John Truitt is the Deputy Secretary for Regulatory Programs. In this role, he provides oversight and direction to DEP's five regulatory divisions - [[HYPERLINK "https://live-depweb.pantheonsite.io/air" \h](https://live-depweb.pantheonsite.io/air)], [[HYPERLINK "https://live-depweb.pantheonsite.io/water" \h](https://live-depweb.pantheonsite.io/water)], [[HYPERLINK "https://live-depweb.pantheonsite.io/waste" \h](https://live-depweb.pantheonsite.io/waste)], Florida Geological Survey and Office of Emergency Response along with [[HYPERLINK "https://live-depweb.pantheonsite.io/districts" \h](https://live-depweb.pantheonsite.io/districts)]. The regulatory programs carry out DEP's role in permitting facilities (such as manufacturing and power plants) and providing them assistance with compliance.

Previously, Mr. Truitt served as DEP's Chief Advisor for Environmental and Regulatory Policy. He also served Floridians as a Chief Prosecuting Attorney and section manager at the Department of Health, a Chief Advisor to a Commissioner at the Public Service Commission and a Chief Attorney at the Office of Public Counsel.

Prior to his legal career serving the State of Florida, Mr. Truitt served in the U.S. Army on two occasions, including an extended combat tour in Iraq. Mr. Truitt earned his law degree with a focus on environmental and land use law from Florida State University's College of Law.

EPA Region 4
116th Congressional Districts
Florida

Florida Agricultural Leadership



Florida Department of Agriculture and Consumer Services
Nicole "Nikki" Fried, Commissioner

Nicole "Nikki" Fried, Florida's 12th Commissioner of Agriculture and Consumer Services, is a lifelong Floridian, attorney and passionate activist. Born and raised in Miami, Commissioner Fried graduated from the University of Florida, where she received her bachelor's, master's and juris doctorate degrees. While in law school, she served as student body president, the first woman to hold the position in nearly two decades.

Before her election, Fried worked as an advocate in Tallahassee, representing at-risk children and the Broward County School Board, and working to expand patient access to medical marijuana.

Fried has served in the Alachua County Public Defender's Office as head of the Felony Division, and worked with law firms as a government consultant, advocating on behalf of clients before the Florida Legislature. Working in private practice in South Florida, she defended homeowners against foreclosure during the 2007-2008 housing crisis.

Throughout her career she has served with numerous organizations including the Young Lawyers Board of Governors, Broward Days Board of Directors, Legal Needs of Children Bar Committee, LeRoy Collins Institute, Girl Scouts of Southeast Florida, University of Florida Governmental Relations Advisory Committee, University of Florida Board of Trustees, Florida's Children First, and others. Fried is a member of Florida Blue Key, the oldest and most prestigious leadership honorary in the state of Florida.

Florida Ag Statistics:

- Number of Operations – 47,100
- Number of Acres Operated – 9.4 million acres. FL is 34.3 million acres (27% land in agriculture)
- Total value of agricultural products sold – \$7.7 billion / year
- Value of sales by Commodity group – fruit/tree nuts/berries; nursery/greenhouse/floriculture/sod; vegetables/melons/potatoes; other crops/hay; cattle/calves
- U.S. Rank Top Commodity by Sales: FL ranks #2 in U.S. for nursery/greenhouse/floriculture/sod; vegetable/melons/potatoes; horses/ponies/mules/burros/donkeys; #3 for fruit/tree nuts/berries.
- State website: [HYPERLINK "<http://www.freshfromflorida.com>" \h]

STATE STATISTICS

Population: 20,271,272 as of 2015 (U.S. Census), also Florida contains the highest % of people over 65 (17%).

Demographics: 60.1% [[HYPERLINK "https://en.wikipedia.org/wiki/White_people" \h](https://en.wikipedia.org/wiki/White_people)], 20% [[HYPERLINK "https://en.wikipedia.org/wiki/Hispanics" \h](https://en.wikipedia.org/wiki/Hispanics)] or Latino (of any ethnicity or national origin), 17% [[HYPERLINK "https://en.wikipedia.org/wiki/African_American" \h](https://en.wikipedia.org/wiki/African_American)] (includes Afro-Caribbeans), 2.1% [[HYPERLINK "https://en.wikipedia.org/wiki/Asian_American" \h](https://en.wikipedia.org/wiki/Asian_American)], and 1.4% others ([[HYPERLINK "https://en.wikipedia.org/wiki/Native_Americans_in_the_United_States" \h](https://en.wikipedia.org/wiki/Native_Americans_in_the_United_States)]).

Tribes: Miccosukee Tribe of Indians of Florida and Seminole Tribe of Florida

Miles of Coastline: Florida has the [[HYPERLINK "https://en.wikipedia.org/wiki/List_of_U.S._states_by_coastline" \h](https://en.wikipedia.org/wiki/List_of_U.S._states_by_coastline)] in the [[HYPERLINK "https://en.wikipedia.org/wiki/Contiguous_United_States" \h](https://en.wikipedia.org/wiki/Contiguous_United_States)], approximately 1,350 miles (2,170 km), not including the contribution of the many [[HYPERLINK "https://en.wikipedia.org/wiki/Barrier_Island" \h](https://en.wikipedia.org/wiki/Barrier_Island)].

Acres of Wetlands: 11 million acres of wetlands, more than any of the other 47 conterminous States.

Economy: State's economic development is based on tourism, agriculture, industry, construction, international banking, biomedical and life sciences, healthcare research, simulation training, aerospace and defense, and commercial space travel have contributed to the state's economic development. Behind tourism, agriculture is the second largest industry in the state. Citrus fruit, especially oranges, are a major part of the economy, and Florida produces the majority of citrus fruit grown in the United States. Phosphate mining, is the state's third-largest industry. The state produces about 75% of the phosphate required by farmers in the United States and 25% of the world supply The Gross Domestic Product (GDP) of Florida in 2016 was \$926 billion. Its GDP is the 4th largest economy in the US.

Minority Population in Region 4

African American		percent of African Americans in R4	Hispanic		percent of Hispanic Americans in R4	Asian		percent of Asian Americans in R4
R4			R4			R4		
AL	1,281,118	9.4	AL	185,602	2.7	AL	67,036	4.3
FL	3,200,663	23.5	FL	4,223,806	62.1	FL	573,083	37.2
GA	3,054,098	22.4	GA	853,689	12.5	GA	365,497	23.7
KY	376,213	2.8	KY	132,836	2.0	KY	62,029	4.0
MS	1,115,801	8.2	MS	81,481	1.2	MS	32,560	2.1
NC	2,151,456	15.8	NC	800,120	11.8	NC	252,585	16.4
SC	1,332,188	9.8	SC	235,682	3.5	SC	75,674	4.9
TN	1,107,178	8.1	TN	290,059	4.3	TN	113,398	7.4
	13,618,715			6,803,275			1,541,862	

Poverty Population in Region 4.

	State Population living below the poverty line	Percentage by Region population living below the poverty line in each State (%)	Percent of Population in each State living below the poverty line
AL	888,290	8.4	19
FL	3,047,343	28.7	16
GA	1,688,932	15.9	17
KY	800,226	7.5	18
MS	643,883	6.1	22
NC	1,627,602	15.3	17
SC	815,755	7.7	18
TN	1,095,466	10.3	17

KEY ISSUES

Fairfax Street Wood Treaters, Jacksonville, Duval County (Superfund)

- The Remedial Action (RA) began on March 11, 2019.
- 12.5 acre and 52 Residential properties are included in the RA.
- EPA employed the Superfund Job Training Initiative to train 13 people from the community.
- The cleanup contractor is in the process of hiring 8 SJTI graduates.
- To date, EPA has removed over 26,466 yd³ soil on-site and 4,222 yd³ soil off-site. 58,583 tons of nonhazardous soil have been disposed off site. Restoration has been completed at 51 residential properties.
- Final grading was completed and hydroseeding began October 2019. The completion of the RA will be announced to the public in November 2019.

Iron Triangle Site, Escambia County, Florida (Superfund)

- EPA is conducting a Removal Site Evaluation.
- Site is being prioritized for time-critical removal to mitigate risks associated with lead contamination in soil at the former industrial facility.

South Patrick Shore, Brevard County, Florida (Superfund)

- EPA is conducting a Removal Site Evaluation
- Residential property owner reports chemical odors during warm weather. Soil samples collected from property showed no hazardous substances.
- The Site was determined to be a FUDS, NAS Banana River off-site disposal area. As a result, DoD has taken lead. A Public Availability Session was held in October 2019, announcing the completion of the preliminary assessment anticipated in March 2020.

Petroleum Products Superfund Site, Pembroke Park, Broward County (Superfund)

- A former waste oil recycling pit (approximately 2 acres) that was closed out and backfilled in the early 1970's. The property is now used for commercial/industrial purposes and has more than fifteen large warehouse/storage buildings constructed over the former waste oil pits.
- Remediation of the site will require demolition of at least five of the warehouse/storage buildings to access and remediate the contaminated soils and waste oil sludge buried underneath. Remediation costs are projected between \$40 to \$50 million and will result in disruption of the storage unit business and that of the small business that operate out of numerous bay units. A ROD was scheduled for the fourth quarter of 2019 but has slipped to FY 2020 due to addressing comments from the State/ PRP groups, in addition to briefings with Headquarters and the recent furlough.

404 Assumption (Water)

- We continue to actively support the state in its efforts towards 404 assumption. EPA holds biweekly calls with FDEP to discuss the state's progress in developing a submittal package and meets approximately every two months with FDEP in Tallahassee. The next in-person meeting is to be scheduled, as FDEP staff indicate may be more productive after the new governor has established his priorities for FDEP.
- Key outstanding issues include FDEP rulemaking, preparation and review of request package elements that have not been provided by FDEP in draft, ESA in permit reviews, and completion of the FDEP-Corps MOA. Before making their assumption request, Florida must pass a rule that will set up required program elements. Possible legal challenges to that rulemaking are a driver to the timeline.

- On 7/18/19, FDEP shared a white paper with EPA regarding ESA consultation and assumption, which is currently under review by the EPA Team. Briefings to upper management in OW and OGC occurred the week of 7/29/19. The white paper is still under review.
- FDEP have given EPA staff no indication of an approximate timeline for submission of package requesting state assumption of CWA 404 program administration as they are awaiting direction from the new governor to establish his priorities for FDEP. Upon receipt of a complete request package, EPA's statutory review (up to 120 days) must include a public hearing, a 45-day public comment period, and consideration of comments received from the public, USACE, USFWS, and NMFS.

Harmful Algal Blooms (Water)

- South Florida has experiencing algal blooms on Lake Okeechobee as well as the St. Lucie and Caloosahatchee Rivers (Northern Estuaries) due to nutrient loading and high temperatures. The algal blooms in 2018 were not as extensive as the blooms that occurred in 2016. In addition, the southwest Coast of Florida is experiencing a naturally occurring red tide that formed offshore, but has relocated nearshore causing human health concerns and numerous deaths to wildlife (sea turtles, manatees, fish, etc.) While flow from the lake may contribute to coastal blooms, often times the majority of the nutrient loading to the Northern Estuaries is from local watershed non-point source runoff. Releases from Lake Okeechobee (Lake) are managed by the Lake Okeechobee Regulation Schedule (LORS). Because of the current Lake stage, the LORS recommends high releases from the lake to the Northern Estuaries; however, the Corps is looking at flexibility to avoid bouncing between high and low releases and instead considering long term strategies that are more consistent over time.
- Much of what is required to address nutrient loading in the lake and estuaries involves nonpoint source solutions. Since 2014, EPA has provided approximately \$1.8 Million in funding through the 319 grant program for four projects to address non-point source pollution that impact Lake Okeechobee. Additionally, EPA provides \$600,000 per year to the Indian River National Estuary Program, which includes the St. Lucie area.
- The Comprehensive Everglades Restoration Plan (CERP) is the Congressionally approved framework for projects and operational changes needed in the Central and Southern Florida watersheds to restore and protect the South Florida Ecosystem, while providing sufficient water to meet South Florida's needs. The Lake Okeechobee Watershed Restoration Project is currently in the planning phase and the objectives of this project include: increasing water storage capacity in the watershed, better management of Lake water levels, improving the quantity and timing of discharges to the St. Lucie and Caloosahatchee estuaries, restoring wetlands, and improving water supply.
- Both the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida have EPA-approved tribal water quality standards that are applicable to certain waters within and/or downstream of the project areas.

EAA Reservoir Issue (Water)

- The EAA Reservoir was authorized by Congress in the Water Resource Development Act (WRDA) of 2018, which was signed by the President on October 23, 2018. The Reservoir is 10,500 acres, with a 6500 acre Stormwater Treatment Area to treat water to meet Everglades phosphorus standards.
- The EPA Region 4 NEPA program provided comments on the draft EIS via letter dated July 10, 2018, stating that overall EPA is supportive of the plan.
- The State of Florida conducted a study for construction of a reservoir south of Lake Okeechobee (Lake O) in the Everglades Agricultural Area that is intended to reduce harmful Lake releases to the St. Lucie and Caloosahatchee Estuaries. The additional storage and reduction of high water elevations within Lake Okeechobee would also increase flows into the central Everglades, including Everglades National Park. Florida submitted a post authorization change report request for the Central Everglades Planning Project to the Assistant Secretary of the Army (ASA) for Civil Works on March 30, 2018.

- The ASA for Civil Works completed their evaluation on May 30, 2018 and found the project feasible from an engineering and construction view point. However, the policy compliance review identified several technical, policy, and legal concerns related to risks associated with the cost of required dam safety design criteria, compliance with water quality standards, a risk that project benefits might not be achieved as identified in the justification for the project, and environmental requirements for NEPA compliance. The noted concerns can be addressed through an evaluation/validation effort in the next project phase.
- Corps Jacksonville District office was asked by Congress to respond within 90 days to address the concerns identified in the May 2018 report. Instead they provided an 18 month schedule forward to analyze the concerns identified and will provide a response to the ASA in May 2020. The Corps Jacksonville District is currently in design phase for the reservoir in order to answer the identified concerns.
- After review of comments from State and Federal agencies on the Section 203 feasibility study and draft NEPA document, HQUSACE will prepare final recommendations and conditions for the ASA(CW)'s consideration, including responses to comments from States and agencies and final NEPA decision document. To close out the NEPA process a Finding of No Significant Impact or Record of Decision will be prepared by HQ USA CE for the signature of the ASA(CW). The ASA(CW) will submit its recommendation, including any conditions, along with the non-Federal interest feasibility study to the Office of Management and Budget for their views before transmitting the report and the final recommendations of the ASA(CW) to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.
- Regarding the A2 STA feature, even though it was public noticed through the 404 program in September 2019, work cannot begin on the project until the Corps' NEPA review mentioned above is complete.
- Corps Jacksonville District expects this topic to be on the SFWMD Governing Board November meeting agenda.
- Both the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida have EPA-approved tribal water quality standards that are applicable to certain waters within and/or downstream of the project areas. In a letter to the South Florida Water Management District (SFWMD) dated January 8, 2018, the Miccosukee Tribe raised a host of concerns relating to the State's water management practices in the Everglades, and specifically objecting to water storage in the EAA. The letter copied Mr. Glenn, as well as Mr. Bartlett from FDEP, and Florida state legislators

Aquaculture (Water/NEPA)

- In February 2017, the USEPA entered a Memorandum of Understanding (MOU) with six other federal agencies with the purpose of improving coordination and to streamline the regulatory permitting process for aquaculture facilities in Federal waters in the Gulf of Mexico (GOM). The six other federal agencies are: Bureau of Ocean Energy Management (BOEM), Bureau of Safety and Environmental Enforcement (BSEE), National Marine Fisheries Service (NMFS), U.S. Army Corps of Engineers (USACE), U.S. Coast Guard (USCG), and U.S. Fish and Wildlife Service (USFWS). Because of a recent court case, NMFS indicated that they will no longer be the lead agency on consultations or NEPA if they are not the permit issuance agency; the responsibility will fall on EPA as the permitting agency.
- EPA is the permit issuance agency for facilities discharging pollutants into federal waters. In accordance with the MOU, issuance of the permit described below will be done in close coordination with other federal agencies.
- In January 2018, EPA R4 received a permit application from Kampachi Farms for a proposed aquaculture facility located approximately 45 miles from the western coast of Florida. The proposed facility is a research-scale project that includes a single net pen producing <200,000 lbs/year of Almaco Jack. The permit was public noticed on September 1 for 30 days. Over 7,000 comments were received. A public hearing is being scheduled.

Redesignation of Hillsborough County for 2010 SO₂ NAAQS (ARD)

- Region 4 is working collaboratively with Florida to redesignate the Nassau and Hillsborough nonattainment areas for SO₂.
- On June 13, 2018, the State submitted a final redesignation request and maintenance plans for this area.
- The Hillsborough County proposed rule is currently awaiting RA signature. Upon publication of the proposed rule, there will be a 30-day public comment period.

Redesignation of Hillsborough-Polk Area for 2010 SO₂ NAAQS (ARD)

- An additional portion of Hillsborough County and a portion of Polk County was designated as single nonattainment for the 2010 SO₂ NAAQS on December 21, 2017 (effective April 9, 2018).
- EPA is working with Florida on their strategy to bring this area back into attainment by August 2019, well in advance of the 5-year statutory deadline.
- On February 15, 2019, the State submitted a request for parallel processing of a redesignation request and approval of a maintenance plan for the Hillsborough-Polk nonattainment area. In addition, the State is requesting to redesignate the Mulberry unclassifiable area.
- The proposed rulemaking has been drafted and is in the signature chain.

Redesignation of Duval County Unclassifiable Area for 2015 Ozone NAAQS

- On June 19, 2019, the State submitted a request to redesignate Duval County from Unclassifiable to Attainment/Unclassifiable for the 2015 8-Hour Ozone NAAQS.
- The proposed rulemaking has been drafted and is currently in the signature chain.

Clean Power Plan Replacement Rules

Existing Sources – the Affordable Clean Energy (ACE) Final Rule (ARD)

- On 6/19/19 EPA:
 - Issued the Affordable Clean Energy rule (ACE) for existing coal-fired electric utility generating units (EGUs) – reduces CO₂ emissions through heat rate improvements within the fence line.
 - Repealed the Clean Power Plan (CPP).
 - Revised implementing regulations for ACE.

New Sources (New Source NSPS)

12/6/18 – EPA proposed to revise the New Source Performance Standards (NSPS) for greenhouse gas emissions from new, modified, and reconstructed fossil fuel-fired power plants.

- Proposes that the best system of emission reduction (BSER) for newly constructed coal-fired units, is the most efficient demonstrated steam cycle in combination with the best operating practices.

Coal Combustion Residuals (CCR) Rule (LCRD)

- Region 4 held a call with Florida on June 4, 2019. Florida indicated they may adopt the federal rules by reference, and that they may try to use their fast-track rulemaking process. At this time the State is in discussions with their legal team regarding which rulemaking procedure they need to utilize. Florida will contact LCRD DD once they are ready to begin regular workgroup calls.

State Authorizations (LCRD)

- Florida's Program Revision Application for RCRA clusters XXVI, XXVII and for revisions to checklist 233 was received on October 2, 2019. EPA is currently reviewing the application before submitting a proposed federal register notice asking for public comments before final authorization is granted.

Leaking Underground Storage Tanks Cleanup Backlog (LCRD)

- Florida has been able to greatly reduce their UST cleanup backlog, the highest in the nation, by capturing the number of cleanups completed by responsible parties. Since the end of the Inland Protection Trust Fund as a UST finance assurance mechanism in 1999, all new UST cleanups became the responsibility of the owner/operator. By now accounting for those cleanups, Florida has been able to reduce their backlog of UST cleanups to less than 3,000.

Port Everglades Expansion Project – (NEPA/Water)

- The project is the deepening and expansion of Port Everglades harbor (WRDA authorized). The Army Corps of Engineers (COE) Jacksonville District is the lead agency with EPA as a cooperating agency due to its responsibilities under MPRSA Section 103 for the expansion of the Ocean Dredged Materials Disposal site d transportation of the dredged material.
- Key environmental issues include coral (endangered species), mangroves (wetlands) and water quality. EPA Region 4 is serving on the Interagency Working Group hosted by the COE to work on these issues, specifically regarding avoidance and minimization of impacts, habitat assessment protocols, mitigation of impacts, and related issues. EPA R4 (dive team) has also worked with National Marine Fisheries Service (NMFS) to do sediment assessments on the reef tract related to this project.
- EPA is providing a draft EA, draft SMMP, and draft rule for public review related to the expansion of the ODMDS offshore this calendar year. The goal is to finalize the expansion of the ODMDS by April 2020. COE rescinded a Record of Decision in 2016.
- COE is drafting a Supplemental Environmental Assessment to address concerns brought in litigation related to similar insufficient methods used in Port of Miami that resulted in extensive coral impacts, including an ongoing criminal case.
- Continued controversy from the public and environmental groups is expected. A supplemental NEPA document from the COE is expected within a few months. COE expects to request a water quality permit from Florida and consultations for ESA and EFH with NMFS in the next few months.

Gulf Coast Parkway Construction (NEPA)

- Project includes a new high-level bridge over the Intercoastal waterway with 30-miles of multi-lane, new location highway in Bay and Gulf Counties. NEPA Program office is working with Florida Department of Transportation (FLDOT) and other agencies on outstanding environmental concerns.
- Key environmental issues include wetlands and streams, water quality, threatened and endangered species, wildlife habitat fragmentation, essential fish habitat, environmental justice, and indirect and cumulative impacts. A Draft Environmental Impact Statement (EIS) rated Environmental Concerns (EC-1) on May 30, 2014. Through the FLDOT screening and decision-making process, the preferred alternative was elevated to a dispute resolution process.
- The proposed project is on the OMB Fast-41 Dashboard ('high priority') list and the NEPA Section reviewed a preliminary NEPA document from the FLDOT in May of 2019. A final EIS is expected at the end of the calendar

year. There may be additional controversy from environmental groups who in the past expressed opposition to the project.

Turkey Point Nuclear Power Plan (NEPA/Water)

- Florida Power and Light 's Turkey Point Nuclear facility is located on the shore of Biscayne Bay. There are three existing power generating units. Units 3 and 4 are nuclear units, and unit 5 is a natural gas combined cycle unit. (Units 1 and 2 were formerly operated as natural-gas/oil steam-generating units but no longer generate power.)
- The Nuclear Regulatory Commission (NRC) approved the licensing of the Turkey Point new nuclear power units 6 & 7 on 4/12/18 (Record of Decision). EPA reviewed the DEIS (5/2015) and FEIS (12/2016) for the new units 6 and 7 and had substantial environmental concerns regarding the existing groundwater/aquifer contamination and potential unpermitted releases to Biscayne Bay. However, Florida Power and Light has postponed plans for building the new nuclear units until after renewing the current licenses for units 3 and 4, which are slated to expire in 2032 and 2033, respectively.
- Units 3, 4 and 5 utilize a 6,000 acre unlined cooling canal system as a "radiator" to cool water used by the reactors and natural gas plant. The NPDES permit for the cooling canal system allows releases to groundwater under the canal but prohibits direct discharges to Biscayne Bay. The renewal NPDES permit was recently publicly noticed in January 2019, and the Florida Department of Environmental Protection received substantive comments. No date has been scheduled for issuance of the final permit.
- The Biscayne National Park and the Everglades National Park are located in close proximity to the current plant site. The existing reactors and natural gas plants utilize a 6,000-acre cooling canal system (CCS) as a "radiator" to cool water used by the reactors and natural gas plants.
- Although it was expected that the unlined cooling canals would leach cooling water in the groundwater below the facility, the cooling water, which contains low levels of selenium and other pollutants, is migrating west towards public drinking water well systems, and east under Biscayne Bay. This leaching was exacerbated during recent actions to address elevated salinity in the canals as a result of evaporation, by adding fresh water from nearby surface water canals, which increased the head in the canal system, pushing more water into the groundwater beneath the canals. There is also data to suggest groundwater under the canal system is reaching Biscayne Bay. The RA was briefed on the NRC's Draft EIS in May of 2019.
- Florida Power and Light is currently under Florida Department of Environmental Protection and Miami-Dade Environmental Management administrative orders to remediate the contamination from a hypersaline plume that extends several miles from the facility.
- EPA's Draft EIS comments were submitted to NRC on 5/20/19, which included technical recommendations pertaining to water quality, groundwater and related issues. A Final EIS is anticipated in the calendar year.
- Congressional and public interest and controversy has been very high during the previous NEPA process for the new units and is expected to be similar for the re-licensing.

Next NEJAC Meeting in Jacksonville, FL (EJCH)

- The next NEJAC – National Environmental Advisory Council (NEJAC) meeting will be held in Jacksonville FL in late January/early February 2020. EPA HQ's OEJ – Office of Environmental Justice, FL-DEP, and R4's Environmental Justice and Children's Health Section are working closely to plan the 2 ½ day event. The NEJAC is a federal advisory committee to EPA. The Council provides advice and recommendations about broad, cross-cutting issues related to environmental justice, from all stakeholders involved in the environmental justice dialogue. A finalized meeting date and location will be published in the Federal Register in mid-November 2019.

WOTUS (Water)

Step 1 Rulemaking

- The EPA and the Department of the Army are engaged in a two-step rulemaking to respond to the President's executive order in February 2017 to review and rescind or revise the 2015 Rule defining "waters of the United States."
- This is one of the highest priority rulemakings for Agency.
- In the first step, which we call the "step 1 rule" we proposed to repeal the 2015 Rule and restore the pre-existing regulations.
- We have reviewed approximately 770,000 comments received on this proposal and supplemental proposal, and last month the EPA and Army transmitted the Step 1 final rule to the Office of Management and Budget for interagency review.
- With the existing regulatory patchwork across the country, and we keep an updated map on our website to show where the 2015 Rule applies and where the prior regulations apply, the Administration is very interested in establishing a uniform definition to provide regulatory certainty to the states, tribes and the regulated community.

Step 2 Proposed Rule

- In the second step of our two-step rulemaking process – known as the Step 2 rule - EPA and the Army took a significant and historic action to provide certainty to stakeholders and co-regulators across the country by signing a revised definition of WOTUS in December 2018.
- The proposed a revised definition, informed by the guidance in the Executive Order, that identifies those waters that would be subject to Clean Water Act regulation and those that would not, and reflects significant pre-proposal input the agencies solicited from a wide range of stakeholders.
- We want to ensure that it is clear and that we are providing for regulatory certainty.
- The agencies are in the process over reviewing approximately 620,000 comments we received on the proposed rule and plan to move quickly this year to take final action.

Region 4-Specific 404 Background (Water)

- In the Southeast, the ACOE generally looks to EPA Region 4's environmental expertise on 404 permits, particularly for projects that are anticipated to have a significant environmental impact. Region 4 places a high priority on building and maintaining very good relationships with the ACOE and providing timely and constructive comments on the permit applications that we review.
- Although the Region has not recently issued an "a" or "b" letter, which are part of the process under the Section 404(q) MOA, we strive to screen at least 95% of the permit applications that we receive and provide comments to the ACOE on a subset of permit applications where we know we can add value. Of the nearly 600-700 public notices that we typically receive annually in Region 4, we provide comments on approximately 5%.

Animal Waste Rule (Water)

- FDEP issues individual NPDES permits consistent with the EPA 2008 CAFO rule, as adopted by the state.
- Florida rules include additional requirements for CAFOs and AFOs that discharge to groundwater.
- There are 100 CAFOs in Florida, 58 of them have an NPDES permit, including all dairy CAFOs.

Nuisance Lawsuit impacting Farmers (Ag)

- At the end of 2017, a US District Court for the Eastern District of NC judge ruled that the state's Right-to-Farm law was no defense against "nuisance" claims. The first set of trials concluded, and all three juries have returned \$473.5 million verdicts for the plaintiffs.
- The cases have been brought against Murphy-Brown, a subsidiary of Smithfield Foods, individual farmers are being severely impacted.
- The fourth trial [[HYPERLINK "x-apple-data-detectors://10"](#)] over smells, flies and pests caused by a 7,100-hog farm in Sampson County, NC.
- National and local government leaders, agriculture policy leaders and individual farmers are all concerned how these and other nuisance lawsuits against livestock facilities are progressing.
- At issue are lawsuits filed against pork producers in North Carolina by neighbors of the farms who sued for damages from excessive noises, odors, flies, buzzards and other concerns that impacted their quality of life in their homes.
- It is being reported that trial lawyers are approaching residents who live adjacent to large livestock operations in other states to pursue similar nuisance claims.
- Agriculture community express concern with that similar claims could be pursued to other farming operations.
- 7% of Florida's sales of agricultural products sold (reported in 2016) was attributed to cattle and calves.

Cooperative Agreement Gulf of Mexico Division

Recipient	Title	Scope	Measurable Outputs	EPA Funds
Escambia County Board of Commissioners	Improve Water Quality in Bayou Chico	This project will provide water quality improvements to Bayou Chico by reducing overall nutrient loadings through the utilization of floating treatment wetlands to filter storm water runoff before it enters the bayou. The floating treatment wetlands will be placed in Jackson Lake, which connects to Jackson Creek, a tributary of Bayou Chico. Local students will be able to participate in hands-on exposure to science.	1. Install 21,000 square feet of floating treatment wetlands to reduce nutrient load by 40%; 2. Educate 20 students on watershed principles	\$295,500

		The students will also participate in the success monitoring of the project by attending field days at the lake and bayou, installing vegetation, collecting water samples, analyzing water sample results against historical data, and presenting the results.		
New College of Florida	Identifying BMPs For Mangrove Restoration	This project will deliver data-driven best practices for enhancing coastal habitats by supporting a partnership between New College of Florida and the Sarasota Bay Estuary Program to restore the most extensive mangrove habitat in Sarasota Bay (Fig 1). This project will evaluate how different invasive control methods influence mangrove C dynamics and fish communities.	<ol style="list-style-type: none"> 1. Remove exotic plants from 13.5 acres of spoil ridges; 2. Implement experimental native revegetation in a 4 acre subset; 3. Monitor how multiple services respond in the entire 188 acres of enhanced mangrove swamp habitat; 4. Engage 75 underserved high school students who will learn "How the Health of the Bay Affects Citizens" 	\$294,198
University of Florida	Improving Riparian Habitat and Water Quality	This project will restore 24 acres of riparian habitat on the Apalachicola River in the Florida Panhandle by planting willow stakes on sand bars enlarged by dredge disposal and educate over 200	<ol style="list-style-type: none"> 1. Restore 24 acres of riparian habitat on the Apalachicola River in the Florida Panhandle; 2. Train over 200 students in river restoration; 3. Provide resources to help others learn about the area 	\$262,204

		students and others stakeholders regarding river restoration.		
University of Florida	Protection and Restoration of Damaged Seagrass	This project will map Florida's nearshore seagrass meadows for propeller scarring caused by high boat traffic. Scarring hotspots will be protected through placement of marker buoys and boater education, and propeller scars in these areas will be restored.	1. Protect at least 30 acres of seagrass meadows on Florida's Gulf Coast from future damage; 2. Restore 21,000 linear feet of propeller scars in protected areas; 3. 1,200 boaters changing their behavior to reduce propeller scarring; 4. 400 people will share messaging across social media	\$298,407
Nature's Academy Inc.	Coastal Connections - Environmental Education	This project will provide environmental education field trips for underprivileged and underserved 5th grade students to learn about and experience habitat preservation and sustainable approaches to preserve natural resources.	1. Provide free environmental education field trips to 1700 underserved students from Manatee and Pinellas County, FL; 2. Remove 100 pounds of trash from coastal habitats around Tampa and Sarasota Bays; 3. Create 85+ public service announcements; 4. Reduce pollution that might enter the Gulf of Mexico by eliminating the use of 3,400 plastic water bottles	\$97,808
University of Florida	Enhancing Shoreline Habitat to Increase Resilience	This project will enhance marsh, oyster reef, and coastal dune habitat by demonstrating living shorelines in a bayou off the	1. Enhance habitat along approximately 1,500 linear feet of shoreline; 2. Enhance at least 3 acres of salt marsh,	\$384,733

		<p>Florida central Gulf coast. The project was developed with input from stakeholders, ecologists, and engineers. Educational tours for homeowners, city planners, and restoration practitioners will demonstrate a range of coastal erosion control options. Project results will be disseminated through media and educational materials on the topics of coastal erosion and living shorelines.</p>	<p>intertidal oyster reef, coastal dune, and low energy beach; 3. Engage a minimum of 60 volunteers that will donate at least 960 total hours; 4. Produce at least 10 mass media communication products; 5. Engage at least 200 participants from 5 coastal communities in field tours of coastal erosion options; 6. Establish two long-term demonstration and research locations to evaluate effectiveness of this approach to habitat enhancement</p>	
University of Florida	Strengthening Resilience Through Flood Planning	<p>This project will increase the resilience of twelve flood-prone communities in Escambia and Santa Rosa Counties, in northwest Florida, to flooding associated primarily with rainfall events. This will be accomplished through an iterative two-component process. This project will improve community resilience by utilizing existing tools and techniques (the US EPA's Storm Water</p>	<p>1. Strengthened community resilience in 12 communities in Escambia and Santa Rosa Counties, Florida; 2. 48 event-based rainfall maps using data from Weather Underground stations in Santa Rosa and Escambia Counties; 3. 24 public workshops to discuss project findings (data, model results), green infrastructure benefits and local examples, and green infrastructure scenarios; 4.</p>	\$299,753

		Management Model (SWMM) informed by new information (e.g., local streamflow records, water quality data, and more than 80 Weather Underground stations) to provide information for County staff, municipalities, and other stakeholders to assess risks and vulnerabilities of flooding in local communities. It will also provide a framework to identify how green infrastructure can mitigate existing and future flooding.	Streamflow and flow-weighted water sample data from 10 sites on streams in project communities; 5. EPA's Storm Water Management Model developed and shared with county, municipal and Extension staff to test the benefit of various green infrastructure scenarios on flooding and water quality in each community; 6. Extension brochures adapted for 12 communities showing how green infrastructure could reduce flooding and improve water quality, based on model results	
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Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies (RESTORE)-Gulf of Mexico Division

Recipient: Escambia County

Title: Pensacola and Perdido Bays Estuary Program (RESTORE Project)

Scope: This project will develop and provide a progressive management plan for the Pensacola and Perdido Bays Estuary Program (PPBEP), encompassing Pensacola and Perdido Bays..

Measurable Outputs: Key components of the project are to establish an independent estuary program office administratively supported by Escambia County; hire a Program Director and key staff; develop the Management Conference comprised of a Policy Board as well as Technical, Community, Education, and Economic Advisory Committees; determine stressors; conduct initial outreach activities; and develop and adopt a Comprehensive Conservation and Management Plan (CCMP) supported by both the community and best available science.

RESTORE Funds: \$2,000,000

Recipient: Tampa Bay Estuary Program (TBEP)

Brief Summary: GMD awarded a Cooperative Agreement for \$1,459,909 to Tampa Bay Estuary Program (TBEP) on August 28, 2018 to implement five Tampa Bay Estuary Program (TBEP) projects supported by RESTORE funding which are: 1) Biosolids to Energy (City of St. Petersburg), 2) Copeland Park Stormwater Enhancements (City of Tampa), 3) Coastal Invasive Plant Removal/Cockroach Bay Aquatic Reserve

(Hillsborough County), 4) Robinson Preserve Water Quality and Habitat Restoration (Manatee County), and 5) Ft Desoto Recirculation and Seagrass Recovery (Pinellas County). The Cooperative Agreement end date with TBEP is 7/31/23.

TBEP developed agreement language with the interlocal agreement partners responsible for specific elements of this project. An agreement was executed between TBEP and Pinellas County to conduct habitat restoration activities at Fort DeSoto in September 2018. Plantings to revegetate were conducted in December 2018. A project kick-off and scoping meeting with Pinellas County was conducted on February 6, 2019. Draft agreements with the cities of Tampa and St. Petersburg, and Manatee and Hillsborough counties are pending.

PROGRAM MEASURES Drinking water (lead, etc.)

Florida

Total Active Public Water Systems – 5237 in FL/ 17429 region-wide

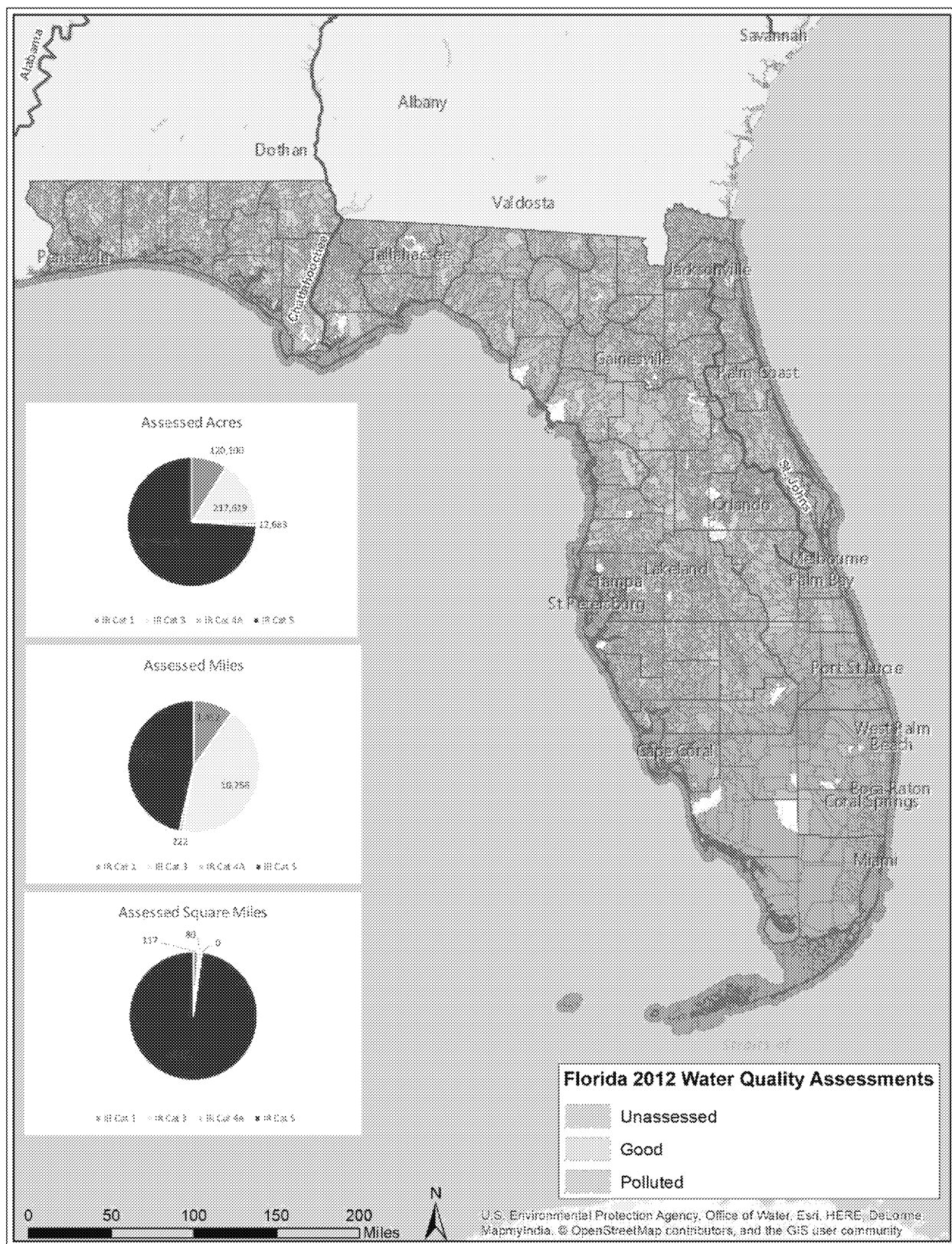
Community Water Systems (CWSs) – 1628 in FL/ 8335 region-wide

CWSs w/ Health-Based Violations – 36 in FL/ 269 region-wide

CWSs w/ Lead and Copper Rule Violations – 1 in FL/ 34 region-wide

CWSs w/ Stage 2 Disinfectants and Disinfection Byproducts Rule Violations – 30 in FL/ 144 region-wide

Impaired waters



Non-attainment Areas

Grants

Program	Applicant Name	City	State	Award	Award Date
Air Pollution Control	Pinellas County Board of Commissioners	Clearwater	FL	\$125,000	11/21/2018
Air Pollution Control	Pinellas County Board of Commissioners	Clearwater	FL	\$109,555	5/9/2019
Air Pollution Control	Palm Beach County Health Department	West Palm Beach	FL	\$125,000	11/21/2018
Air Pollution Control	Palm Beach County Health Department	West Palm Beach	FL	\$137,579	5/8/2019
Air Pollution Control	Hillsborough County	Tampa	FL	\$125,000	11/29/2018
Air Pollution Control	Hillsborough County	Tampa	FL	\$337,963	5/9/2019
Air Pollution Control	Miami - Dade County	Miami	FL	\$125,000	11/26/2018
Air Pollution Control	Miami - Dade County	Miami	FL	\$301,521	5/9/2019
Air Pollution Control	City of Jacksonville	Jacksonville	FL	\$125,000	11/13/2018
Air Pollution Control	City of Jacksonville	Jacksonville	FL	\$353,858	5/8/2019
Air Pollution Control	Broward County	Ft Lauderdale	FL	\$125,000	11/13/2018
Air Pollution Control	Broward County	Ft Lauderdale	FL	\$164,385	5/9/2019
Air Pollution Control	Broward County	Ft Lauderdale	FL	\$5,806	6/20/2019
Air Pollution Control	Orange Co. Board of County Commissioners	Orlando	FL	\$125,000	11/28/2018
Air Pollution Control	Orange Co. Board of County Commissioners	Orlando	FL	\$101,612	5/1/2019
Performance Partnership	Seminole Tribe of Florida	Hollywood	FL	\$190,000	3/7/2019
Performance Partnership	FL Dept of Agriculture & Consumer Serv	Tallahassee	FL	\$155,007	1/28/2019
Performance Partnership	Seminole Tribe of Florida	Hollywood	FL	\$322,000	12/11/2018
Performance Partnership	FL Dept of Environmental Protection	Tallahassee	FL	\$2,741,288	12/10/2018
Performance Partnership	FL Dept of Environmental Protection	Tallahassee	FL	\$1,560,294	2/25/2019

Program	Applicant Name	City	State	Award	Award Date
Performance Partnership	FL Dept of Environmental Protection	Tallahassee	FL	\$10,277,258	5/30/2019
Performance Partnership	FL Dept of Agriculture & Consumer Serv	Tallahassee	FL	\$626,293	5/1/2019
Brownfields Program	City of Brooksville	Brooksville	FL	\$300,000	8/22/2019
Brownfields Program	City of Jacksonville	Jacksonville	FL	\$300,000	8/20/2019
Brownfields Program	Pinellas Board of Co Commissioners	Clearwater	FL	\$300,000	8/20/2019
Brownfields Program	Treasure Coast Regional Planning Council	Stuart	FL	\$600,000	8/21/2019
Brownfields Program	University Area Community Devel Corp Inc	Tampa	FL	\$300,000	8/20/2019
Brownfields Program	City of Palatka	Palatka	FL	\$300,000	8/26/2019
Brownfields Program	City of Pahokee	Pahokee	FL	\$300,000	10/25/2018
Clean Water State Revolving Fnd	FL Dept of Environmental Protection	Tallahassee	FL	\$53,633,000	9/24/2019
Water Section 604(b)	FL Dept of Environmental Protection	Tallahassee	FL	\$101,520	12/18/2018
Water Section 604(b)	FL Dept of Environmental Protection	Tallahassee	FL	\$69,156	3/26/2019
Water Section 604(b)	FL Dept of Environmental Protection	Tallahassee	FL	\$371,324	6/6/2019
Non point Source Program	FL Dept of Environmental Protection	Tallahassee	FL	\$6,185,900	7/11/2019
National Estuary Program	Sarasota Bay Estuary Program	Sarasota	FL	\$600,000	9/5/2019
National Estuary Program	Tampa Bay Estuary Program	Tampa	FL	\$600,000	8/22/2019
National Estuary Program	City of Punta Gorda	Punta Gorda	FL	\$600,000	9/24/2019
National Estuary Program	Indian River - IRL Council	Sebastian	FL	\$625,000	9/5/2019
National Clean Diesel	City of St. Petersburg	St Petersburg	FL	\$1,251,360	8/1/2019
National Clean Diesel	City of St. Petersburg	St Petersburg	FL	\$259,341	9/5/2019

Program	Applicant Name	City	State	Award	Award Date
State Clean Diesel	FL Department of Environmental Protection	Tallahassee	FL	\$514,401	7/11/2019
Drinking Water State Revolving Fnd	FL Dept of Environmental Protection	Tallahassee	FL	\$43,187,400	9/24/2019
Water Monitoring Program	Florida Department of Environmental Protection	Tallahassee	FL	\$581,265	7/9/2019
Radon Program	FL Dept of Health	Tallahassee	FL	\$207,147	5/15/2019
Leaking Underground Storage Tank	FL Dept of Environmental Protection	Tallahassee	FL	\$700,000	6/20/2019
Leaking Underground Storage Tank	FL Dept of Environmental Protection	Tallahassee	FL	\$1,900,000	6/26/2019
Gulf of Mexico	University of Florida	Gainesville	FL	\$299,753	5/7/2019
Gulf of Mexico	Tampa Bay Regional Planning Council	Tampa	FL	\$299,455	9/26/2019
Gulf of Mexico	University of Florida	Gainesville	FL	\$384,733	4/10/2019
Gulf of Mexico	FL Dept of Environmental Protection	Tallahassee	FL	\$65,300	9/11/2019
Gulf of Mexico	Community Tr - Community Training Works Inc	Crawfordville	FL	\$499,720	9/4/2019
Environmental Education Program	The Education Fund Inc	Miami Lakes	FL	\$100,000	9/26/2019
Pollution Prevention Program	FL Dept of Environmental Protection	Tallahassee	FL	\$66,002	3/7/2019
Pollution Prevention Program	FL Dept of Environmental Protection	Tallahassee	FL	\$66,002	8/15/2019
2.5 Air Monitoring Network	Orange Co. Board of County Commissioners	Orlando	FL	\$35,000	4/16/2019
2.5 Air Monitoring Network	FL Dept of Environmental Protection	Tallahassee	FL	\$510,000	4/10/2019
2.5 Air Monitoring Network	Broward County	Broward	FL	\$90,000	4/10/2019
2.5 Air Monitoring Network	City of Jacksonville	Jacksonville	FL	\$85,661	4/11/2019
2.5 Air Monitoring Network	Env Protection Commission Hillsborough Co.	Tampa	FL	\$95,000	4/11/2019

Program	Applicant Name	City	State	Award	Award Date
2.5 Air Monitoring Network	Miami - Dade County	Miami	FL	\$90,000	4/11/2019
2.5 Air Monitoring Network	Palm Beach County Health Department	West Palm Beach	FL	\$45,000	4/11/2019
2.5 Air Monitoring Network	Pinellas Board of Co Commissioners	Pinellas	FL	\$90,000	4/11/2019
Section 128(a)	FL Dept of Environmental Protection	Tallahassee	FL	\$657,000	8/15/2019
Superfund Program	FL Dept of Environmental Protection	Tallahassee	FL	\$132,187	7/19/2019
National Air Toxic Trend Site	Orange Co. Board of County Commissioners	Orlando	FL	\$50,000	8/15/2019
National Air Toxic Trend Site	Pinellas Board of Co Commissioners	Pinellas	FL	\$97,696	6/17/2019
National Air Toxic Trend Site	Hillsborough Co Env Protection Commission	Tampa	FL	\$134,708	6/17/2019
South Florida Geographic Initiative	Florida International University	Miami	FL	\$200,000	5/29/2019
South Florida Geographic Initiative	FL Fish & Wildlife Conservation Commission	St Petersburg	FL	\$7,123	11/6/2018
South Florida Geographic Initiative	FL Fish & Wildlife Conservation Commission	St Petersburg	FL	\$290,000	5/29/2019
South Florida Geographic Initiative	FL Fish & Wildlife Conservation Commission	St Petersburg	FL	\$45,000	5/29/2019
South Florida Geographic Initiative	Florida International University	Miami	FL	\$425,000	5/29/2019
South Florida Geographic Initiative	University of South Florida	St Petersburg	FL	\$8,000	12/10/2018

**Grants
Awarded
10/01/2018 -
07/22/2019**

Total \$136,914,573

Performance Partnership Agreement (PPA) and Performance Partnership Grant (PPG)

For Fiscal Year 2019, Florida received \$14,578,840 and their total application amount was \$16,860,113.

The Fiscal Year 2020 Performance Partnership Agreement (PPA) planning cycle started with the high level priority alignment discussion, and Florida has received their FY2020 template to develop their draft 2020 work plan or P&C List (Priority and Commitment List).

Brownfields

- Average Number of Brownfield sites that enter state program each year in state: 36
- # of EPA Brownfield sites returned for anticipated use – 307 (this is the number of properties designated as RAU)
- \$ value of grants awarded in state in FY 2019 (all available EPA Brownfield funding; break down by revolving loan fund, workforce development and assessment.)

	FY19 Value of Grants
Assessment	\$2,100,000
Cleanup	\$0
Revolving Loan	\$0
Job Training	\$0
Area-Wide Plan	\$0
Total	\$2,100,000

- \$ value of grants awarded in state in past 10 years (all available EPA Brownfield funding; break down by revolving loan fund, workforce development and assessment.)

	Value of Grants awarded over past 10yrs (FY10-FY19)
Assessment	\$19,595,000
Cleanup	\$3,600,000
Revolving Loan	\$3,000,000
Job Training	\$1,092,296
Area-Wide Plan	\$398,032
Multi-Purpose	\$400,000
Total	\$28,085,328

Superfund Sites

- With Superfund, the State of Florida participates in one cooperative agreement providing ~\$240,000/year for the state program supporting Superfund site assessment. There are 17 active Superfund State Contracts (SSC) currently in place between EPA and the State of Florida, and another 8 SSC have been closed.
- There are 34 potential Sites in Florida that can be returned for anticipated use.
- 51 Sites in Florida have already been returned for anticipated use. Superfund targeted five sites for FY2019 with a stretch target of 10 within the Region to return for anticipated use. Of those five, two are located in Florida and of those ten there were four achievements in Florida.

Emergency Response

Statistics for FY2019 - Total ER Action Starts: 59

Total ER Completions: 59

ER Start/Completion by State:

State	Starts	Completions	State	Starts	Completions
Alabama	4	3	Mississippi	2	2
Florida	4	3	North Carolina	15	12
Georgia	21	19	South Carolina	6	8
Kentucky	1	3	Tennessee	6	9

Open Emergency Response Actions * (Oil Pollution Act and CERCLA)

Site Name	State	City	Authority	Start Date	Comments
Hensley Lease Abandoned Well	KY	Argillite	OPA	4/5/18	Ongoing Response Effort
Southern Resin Tote Spill	NC	Thomasville	CERCLA	7/16/19	Awaiting final pollution report
Creek Haven Drive Mercury Spill	FL	Tampa	CERCLA	8/28/19	Awaiting final pollution report
Professional Coatings, Inc. Fire	AL	Cullman	CERCLA	8/15/19	Awaiting final pollution report
Able Contracting Fire	SC	Ridgeland	CERCLA	7/25/19	Awaiting final pollution report
Brookland Drive Mercury	GA	Cartersville	CERCLA	6/13/19	Awaiting final pollution report
DAFCO Abandoned Tote	NC	Hudson	CERCLA	4/4/19	Awaiting final pollution report
DHM Adhesives	GA	Calhoun	CERCLA	9/17/19	Awaiting final pollution report

Seminole Tribe of Florida

6300 Stirling Rd.
Hollywood, FL 33024
<http://www.semtribe.com/>

Tribal Leadership

STOF

Chairman: Marcellus W. Osceola, Jr.

Vice Chairman: Mitchell Cypress

Environmental Contact: Cherise Maples, cmaples@semtribe.com



Location: The Seminole Tribe of Florida is located in southern Florida; the Tribal reservations and communities include Big Cypress, Brighton, Immokalee, Hollywood, Tampa, Ft. Pierce, Coconut Creek, and YeeHaw Junction.

Business Interests: The Seminole Tribe of Florida currently employs more than 2,000 non-Indians and purchases more than \$24M in goods and services from more than 850 Florida vendors a year. In addition, the Tribe pays \$3.5M in federal payroll taxes. The major source of income originates from casino gaming operations. The Tribe also manages tourism and cattle operations.

Trust Lands:
90,000 acres+
Federal Recognition
1957

Government Structure: The Tribe was federally recognized in 1957. Chairman Marcellus Osceola, Jr., was elected in a special election in 2017.

The Seminole Tribe has a two-tiered government, the Tribal Council and the Board of Directors, with elected representation from each reservation community. The Tribal Council is the chief governing body, composed of a Chairman, a Vice-Chairman and Council Representatives from each reservation. The Council administers the Seminole Police Department, the Human Resources programs, the Tribal gaming enterprises, citrus groves, the Billie Swamp Safari, the Ah-Tah-Thi-Ki Museum and the majority of the Tribe's cigarette-related enterprises. The Seminole Tribe of Florida's Legal Services Department administers a public defender's office, Water Resource Management, and the Utilities Department. The Tribe does not have a court system; legal and criminal matters not resolved on the community level are referred to the proper state or federal authorities.

The Seminole Tribe of Florida, Inc., is a federal corporation. In the corporate charter, the Board of Director's specific purpose is stated, "To further the economic development of the Seminole Tribe of Florida by conferring upon said Tribe certain corporate rights, powers, privileges and immunity; to secure for the members of the Tribe an assured economic independence; and to provide for the proper exercise by the Tribe of various functions heretofore performed by the Department of Interior."

Underground Storage Tank Program: The two active facilities (6 USTs) are tribally-owned and -operated. The UST's are located at the Hollywood Trading Post and Big Cypress Trading Post facilities. EPA is the implementing agency for USTs in Indian country and works cooperatively with the Seminole Tribe's Environmental Resource Management Department in scheduling UST inspections to protect the environment from the effects of leaking underground storage tanks.

Air Quality Program: The Seminole Tribe of Florida Environmental Resource Management Department received CAA 103 funds to conduct a study to collect air quality monitoring data to establish a baseline in response to siting plans for a new power plant north of the Big Cypress region. This 3-year project (FY 16 - FY 18), involved performing a literature search and an assessment of the existing air quality monitoring

network within the same region and identify data gaps. Upon completion of the project, the air quality monitoring data was analyzed and summarized and compared to regionally available air quality monitoring data for the same time period of this project. The baseline air quality monitoring data established through this study assisted the Tribe in documenting the air quality characteristics for current and future use due to the preliminary plans underway for the new power plant.

Water Quality Program: The Tribe was the first in the southeast to receive federal approval for its Water Quality Standards, and has developed a program consistent with the intermediate level of EPA Water Quality Protection Approach. The Tribe is concerned with water quantity, nutrient enrichment of tribal water, and protecting tribal member's health, including the amount of contaminants in the Tribal member's diet. The Tribe has completed studies on aquatic life diversity and fish tissue sampling and is currently developing numeric nutrient criteria.

Nonpoint Source Control Program: The Tribe is utilizing CWA 319 funds to update its Assessment Report and Nonpoint Source Management Plan, due for completion in FY18. The Tribe also received supplemental funding in FY16 and is working on training, outreach and education and on-the-ground projects resulting in significant steps towards solving NPS impairments on their lands.

Wetlands Development Program: The Tribe uses EPA competitive funding to develop a comprehensive Tribal Wetlands Management Program to build Tribal capacity and assist Tribal stakeholders to make sound decisions based on scientifically valid approaches to protect Tribal wetlands. The Tribe focuses identification of critical wetland ecosystems, risk identification (such as invasion of exotic species), and conservation measures to maintain, restore, and enhance these ecosystems.

Drinking Water Program: All Seminole public water systems are in full compliance with drinking water regulations. The Tribe has a utility masterplan that includes upgrades at all systems that will result in better long-term operation and is investing significantly towards system upgrades and maintenance.

Underground Injection Control: There is one Class 1 non-hazardous permit on the Hollywood Reservation; the Tribe is currently drilling both wells covered by this permit. This is the first tribal UIC permit in R4. During the permitting process and continuing to the current construction process, EPA coordinated with the Tribe and South Florida Water Management District (SFWMD) to insure that both entities are able to meet their requirements as presented in the Seminole Water Rights Compact. EPA also works to facilitate concurrent technical reviews of construction plans as required in the permit by SFWMD and Florida Department of Environmental Protection (which is providing technical support to SFWMD). Staff has been made available to react to any issues during the construction phase of the well which proceeds 24/7. The Tribe has a second Class 1 non-hazardous permit in process for the Brighton Reservation and also has a Class 5 Large Capacity Septic System on Tribal lands. An Aquifer Storage and Recovery permit application has been submitted by the Tribe but there is no current activity.

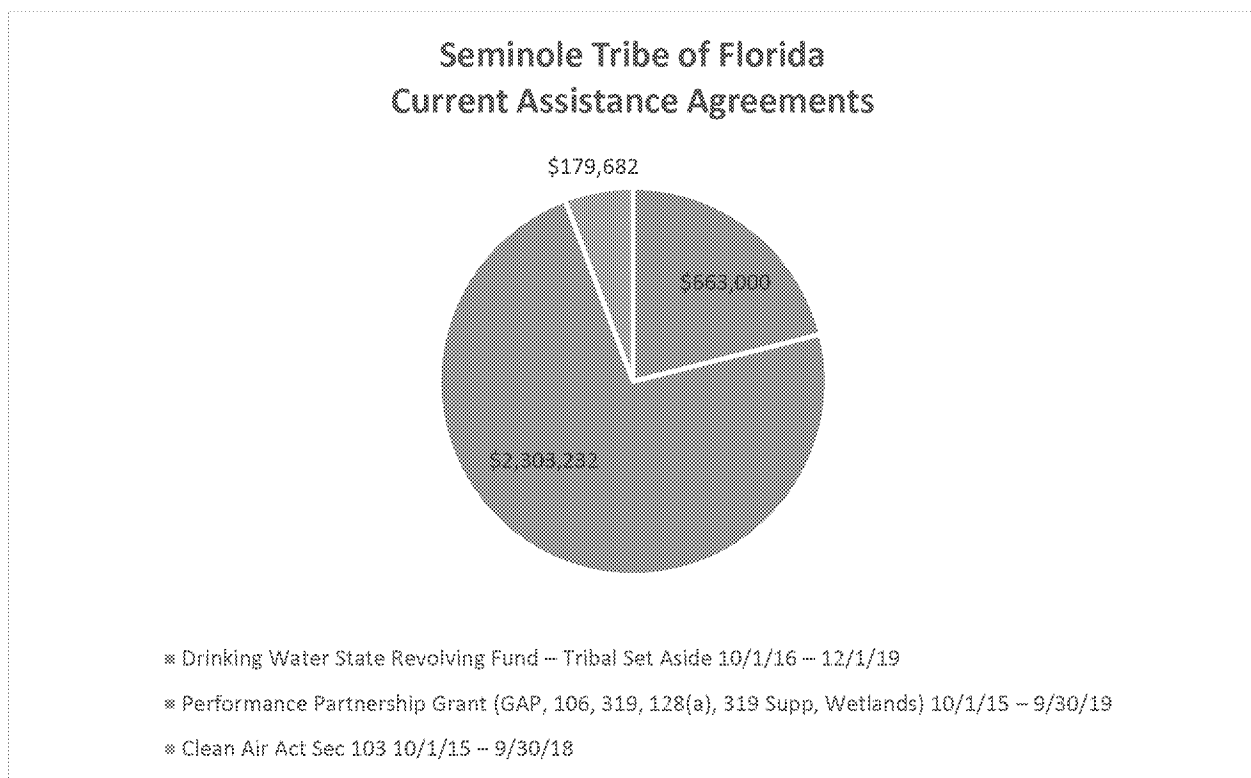
Tribal Response Program: The Tribe uses EPA funding (Brownfields) to plan and manage its Tribal Response Program to sustain, cleanup, and restore Tribal communities and the ecological systems that support them. The program enables the Tribe to inventory and assess contaminated properties and prioritize them for sustainable cleanup or restoration and to ensure public involvement and training for staff and community. The Tribe also improves its response programs through developing and implementing ordinances and enforcement capacity.

Solid Waste: The Seminole Tribe of Florida provides/makes available to its members, on all reservations, collection, transport and off-reservation disposal services for solid waste.

ETEP: The EPA/Tribal Environmental Plan is not yet complete; the Region is currently reviewing for comments.

Treatment In A Similar Manner As a State (TAS): The Tribe has TAS for the following programs:

- CWA Section 303(c) Water Quality Standards
- CWA Section 401 Certification Authority
- CWA Section 106 Water Quality Program (grants)
- CWA Section 319(h) Non-point Source Program (grants)



Hot Topics:

- *Florida Human Health Water Quality Criteria* - In 2016, the State of Florida proposed to update its human health water quality criteria (HHC) using a new approach. This approach resulted in less stringent criteria for some parameters, and more stringent criteria for others. The proposed HHC drew criticism from numerous groups, including the Seminole Tribe of Florida, who have off-reservation reserved hunting, fishing, and frogging rights that could be impacted by the proposed HHC and who filed a legal challenge against the HHC in the Florida Division of Administrative Hearings.

After engaging in legal challenges to the proposed HHC, the State of Florida recently announced that it will withdraw the proposed HHC and work with the Seminole Tribe of Florida, as well as with the Miccosukee Tribe of Indians of Florida, to gather data to support revised HHC.

- *Tribal Water Quality, Everglades Restoration, Everglades Agricultural Area (EAA), Comprehensive Everglades Restoration Project, and Western Everglades Restoration Project* - The Seminole Tribe of Florida has EPA-approved tribal water quality standards that are applicable to waters within and/or downstream of Everglades Restoration projects. Additionally, the Tribe has a Water Compact with the State of Florida and the South Florida Water Management District that governs water quantity issues, but not water quality.

Tribal Leadership

Chairman: Billy Cypress

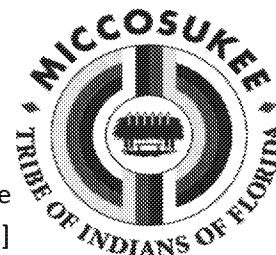
Assistant Chairman: Roy Cypress, Jr.

Environmental Contacts:

Real Estate Services: Kevin Donaldson, [[HYPERLINK "mailto:KevinD@miccosukeetribe.com"](mailto:KevinD@miccosukeetribe.com)]

Water Resources: Gene Duncan, [[HYPERLINK "mailto:GeneD@miccosukeetribe.com"](mailto:GeneD@miccosukeetribe.com)]

Wildlife: Craig van der Heiden, [[HYPERLINK "mailto:CraigV@miccosukeetribe.com"](mailto:CraigV@miccosukeetribe.com)]



Location: There are more than 600 Tribal members, most of whom live on the Miccosukee Reservation Area (MRA) along the old Tamiami Trail in the heart of the Everglades. It is 696 acres and includes the Miccosukee Police Department, Administration Building, Community Water facility, and the Miccosukee Indian School. The Tribe has a 75,000-acre federal reservation known as the Alligator Alley Reservation. The Tribes Water Quality Standards apply to both the MRA and the Alligator Alley Reservation, as well as several smaller tracts of land. The State of Florida entered into a binding legal settlement known as the "Florida Indian Land Claims Settlement Act of 1982. This Settlement Act and Lease Agreement leases, in perpetuity, 189,000 acres of Everglades, located in Water Conservation Area 3A (WCA-3A), to the Miccosukee Tribe. This perpetual Lease outlines the rights of the Miccosukee Tribe in WCA-3A and provides, in relevant part, that the purpose of this Lease Agreement is also: (1) to preserve the Leased Area in its natural state for the use and enjoyment of the Miccosukee Tribe and the general public; (2) to preserve the fresh water aquatic life, wildlife, and their habitat; and (3) to assure proper management of water resources. There are three Tribes in Florida, but only the Miccosukee Tribe has a federal reservation inside the Everglades Protection Area.

Tribal Enrollment
600
Trust Lands
81,000 acres
Federal Recognition
1962

Organizational Structure: The Tribe was federally recognized in 1962. Chairman Billy Cypress was elected in 2016. He previously served as Miccosukee Tribal Chairman from 1987-2009. The governing body of the Tribe is the General Council, comprised of all voting Tribal members 18 and over. The officers of the General Council are the Business Council, and include the Chairman, Asst. Chairman, Secretary, Treasurer, and Lawmaker. Each member of the Business Council is elected at large, they do not represent a specific community or clan, and each member is elected to his position. The Business Council meets monthly and decisions are made by majority. The General Council meets quarterly, and can override Business Council decisions.

Business Interests: The Miccosukee Resort and Gaming accounts for the vast majority of the Tribe's annual income; however, an Indian village, airboat tours, cattle grazing, billboard leases, cellular tower leases, oil pipeline rights-of- way, smoke shop, restaurant, gas stations, and a trucking facility contribute as well.

Underground Storage Tanks: The single facility (6 USTs) is Tribally-owned and -operated.

Water Quality Management: The Tribe has developed a water quality program using the EPA Water Quality Protection Approach. The program monitors and assesses waters using federally-approved Water Quality Standards. They are focused on protection and restoration of the native flora and fauna in the Everglades and have adopted a 10 part per billion (ppb) total phosphorus criterion for Class III-A Waters. By adopting 10 ppb total phosphorous criterion in the northern portions of WCA-3A (Alligator Alley Reservation) as well as in the very southern portions of WCA-3A (Miccosukee Reserved Area), the Miccosukee Tribe has effectively protected the entire 915 square mile area of WCA-3A, as well as the headwaters to Everglades National Park. In January 2019, the Miccosukee Tribe has submitted a TAS application to provide WQS protection to five additional tracts in south Florida. EPA is currently reviewing the application.

Wetlands: The Tribe has received competitive Wetlands Program Development grant funding to develop a Tribal wetlands program plan and accelerate monitoring and assessment in the L-28 impact area at the Tribe's Alligator Alley Federal Indian Reservation. The plan will be used to increase understanding of the hydrologic and ecologic interaction between Tribal wetlands and Outstanding Miccosukee Waters. These combined outcomes and outputs will greatly increase the capacity of the Tribe to provide wetlands protection across large, discontinuous Reservations lands and greatly increase the knowledge of priority wetlands.

Drinking Water Program: The Tribe operates two community water systems. The system is working to address treatment needs for both disinfection byproducts and corrosion control. Funding from the EPA Drinking Water Infrastructure Grant has been provided to conduct pretreatment studies and designed needed infrastructure modifications. It is a goal for the system to return to free chlorine for disinfection once the GAC filtration plant is operational.

Underground Injection Control: There are eight UIC Class 5 Large Capacity Septic Systems on Tribal lands. These systems are inventoried and administered by the EPA R4 UIC program as direct implementation.

Solid Waste Management: The Tribe provides for its members, through contract with a waste management company, collection, transport and off-reservation disposal services for solid waste. Capacity building for expanded solid waste management activities, including sustainable materials management, is a current focus of the Tribe's GAP funding.

ETEP: The EPA/Tribal Environmental Plan was complete in 2016.

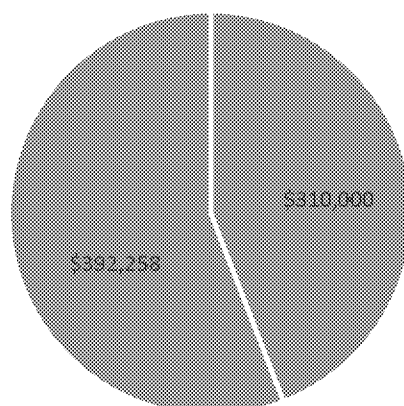
Treatment In A Similar Manner As a State (TAS): The Tribe has TAS for the following programs:

- CWA Section 303(c) Water Quality Standards
- CWA Section 401 Certification Authority
- CWA Section 106 Water Quality Program (grants)

The Tribe anticipates seeking TAS approval for the following program in FY19:

- CWA Section 319.

Miccosukee Tribe of Indians of Florida Current Assistance Agreements



* General Assistance Program 10/1/16 – 9/30/19

* Water Only PPG (106 and Wetlands) 6/1/15 – 12/31/19

Hot Topics:

- *Florida Human Health Water Quality Criteria* - In 2016, the State of Florida proposed to update its human health water quality criteria (HHC) using a new approach. This approach resulted in less stringent criteria for some parameters, and more stringent criteria for others. The proposed HHC drew criticism from numerous groups, including the Miccosukee Tribe of Indians of Florida, who have off-reservation reserved hunting, fishing, and frogging rights that could be impacted by the proposed HHC.

After engaging in legal challenges to the proposed HHC, the State of Florida recently announced that it will withdraw the proposed HHC and work with the Miccosukee Tribe of Indians of Florida, as well as the Seminole Tribe of Florida, to gather data to support revised HHC.

- *Tribal Water Quality, Everglades Restoration, Everglades Agricultural Area (EAA), Comprehensive Everglades Restoration Project, and Western Everglades Restoration Project* - The Tribe has EPA-approved tribal water quality standards that are applicable to waters within and/or downstream of Everglades Restoration projects.

In a letter to the South Florida Water Management District (SFWMD) dated January 8, 2018, the Miccosukee Tribe of Indians of Florida raised a host of concerns relating to the State's water management practices in the Everglades, and specifically objecting to water storage in the EAA. The letter copied Mr. Glenn, as well as Mr. Bartlett from FDEP, and Florida state legislators.

In letters to Regional Administrator Glenn dated May 15, 2018 and July 17, 2018, the Tribe raised a host of concerns, including the State of Florida's use of a four-part test to measure achievement of the State's 10 ppb water quality criterion for the Everglades Protection Area, which includes the Water Conservation Areas.

- *Tribal Water Quality Standards, including proposed Flow Criteria* – The Tribe has been working with the EPA to develop new water quality standards, including flow criteria. The Tribe received significant comments from the State of Florida, the U.S. Army Corps of Engineers, and SFWMD regarding the flow criteria, and is considering its options going forward.
- *Clean Water Act Section 106 Funding*. In a letter to Regional Administrator Glenn dated May 15, 2018, the Tribe raised a host of concerns regarding the Region's Clean Water Act Section 106 Funding Guidelines. The Tribe currently has \$392,258 in CWA Section 106 funds for the purpose of administering a water quality management program. In determining the amount of the funding award, the Region applied its "Interim Region 4 Tribal 106 Project Task Selection and Funding Guidelines" ("Guidelines"). The Guidelines outline a matrix that assigns "points" for various types of surface waters on tribal lands; streams are weighed more heavily than wetlands. The Tribe expressed concern that valuing streams over wetlands puts the Tribe at a disadvantage from a funding perspective, because the majority of its surface waters are wetlands. Moreover, the Tribe expressed the desire for the Region to count the approximately 189,000 acres that the Tribe leases from the State of Florida towards its funding allocation, given the Tribe's off-reservation reserved rights in that leased area. On September 26, 2018, the EPA notified the Tribe of an opportunity to consult on possible revisions to the Guidelines. The Tribe's May 15, 2018 comments were considered during the consultation. In response to the Tribe's comments, the subcategories of wetlands and lakes/ponds were merged into one category retaining the points previously assigned to the two categories, and the points for the hydrologic resources and population were increased. However, the EPA could not consider the water resources located on the "Leased Lands" for inclusion in the funding formula because the title to the waters rest with the State of Florida.